



General Assembly

Substitute Bill No. 365

January Session, 2011

* ____SB00365PS____051311____ *

AN ACT CONCERNING INVESTIGATIONS BY PROTECTIVE SERVICES FOR THE ELDERLY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 17b-451 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (d) [Any] (1) Subject to subdivision (2) of this subsection, any person
5 who makes any report pursuant to sections 17b-450 to 17b-461,
6 inclusive, as amended by this act, or who testifies in any
7 administrative or judicial proceeding arising from such report shall be
8 immune from any civil or criminal liability on account of such report
9 or testimony, except for liability for perjury. [unless such person acted
10 in bad faith or with malicious purpose.]

11 (2) Any person who makes any report pursuant to sections 17b-450
12 to 17b-461, inclusive, as amended by this act, is guilty of making a
13 fraudulent or malicious report or providing false testimony when such
14 person (A) wilfully makes a fraudulent or malicious report to the
15 commissioner pursuant to the provisions of this section, (B) conspires
16 with another person to make or cause to be made such report, or (C)
17 wilfully testifies falsely in any administrative or judicial proceeding
18 arising from such report as to the abuse, neglect, exploitation or

19 abandonment of, or need of protective services for, an elderly person.
20 Making a fraudulent or malicious report or providing false testimony
21 is a class A misdemeanor.

22 Sec. 2. Subsection (a) of section 17b-452 of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective*
24 *October 1, 2011*):

25 (a) The commissioner upon receiving a report that an elderly person
26 allegedly is being, or has been, abused, neglected, exploited or
27 abandoned, or is in need of protective services shall investigate the
28 report to determine the situation relative to the condition of the elderly
29 person and what action and services, if any, are required. The
30 investigation shall include (1) a visit to the named elderly person, (2)
31 consultation with those individuals having knowledge of the facts of
32 the particular case, and (3) an interview with the elderly person alone
33 unless (A) the elderly person refuses to consent to such interview, (B) a
34 physician provides a written letter stating that in the opinion of the
35 physician an interview with the elderly person alone is medically
36 contraindicated, or (C) the commissioner determines that such
37 interview is not in the best interests of the elderly person. Upon
38 request of the elderly person, the commissioner shall conduct such
39 interview in the presence of the elderly person's counsel. If the
40 commissioner determines that a caretaker is interfering with the
41 commissioner's ability to conduct an interview alone with the elderly
42 person, the commissioner may bring an action in the Superior Court or
43 Probate Court seeking an order enjoining such caretaker from
44 interfering with the commissioner's ability to conduct an interview
45 alone with the elderly person. In investigating a report under this
46 subsection, the commissioner may subpoena witnesses, take testimony
47 under oath and compel the production of any necessary and relevant
48 documents necessary to investigate the allegations of abuse, neglect or
49 abandonment. The commissioner may request the Attorney General to
50 petition the Superior Court for such order as may be appropriate to
51 enforce the provisions of this section. Upon completion of the

52 investigation, written findings shall be prepared which shall include
53 recommended action and a determination of whether protective
54 services are needed. The person filing the report shall be notified of the
55 findings, upon request.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	17b-451(d)
Sec. 2	<i>October 1, 2011</i>	17b-452(a)

AGE *Joint Favorable Subst. C/R* HS
HS *Joint Favorable Subst.*
JUD *Joint Favorable*
PS *Joint Favorable*